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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,703	01/26/2000	Alex Dai-Shun Poon	2043.007US1	8953
49845	7590	07/13/2009		
SCHWEGMAN, LUNDBERG & WOESSNER/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER BADIL BEHRANG	
			ART UNIT 3694	PAPER NUMBER
			NOTIFICATION DATE 07/13/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ALEX DAI-SHUN

Application No. 09/491,703
Technology Center 3600

Mailed: July 13, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed September 29, 2008 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified. The appellant did not identify Claims 27-31 in the Appeal Brief filed September 29, 2008.

A Supplemental Appeal Brief is required for the Grounds of Rejection to be Reviewed on Appeal.

CONCLUSION

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed on September 29, 2008 defective;
- 2) notify Appellant to file a Supplemental Appeal Brief with the correct information for the Grounds of Rejection,

Application No. 09/491,703

- 3) consider the Supplemental Appeal Brief and if it is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplemental Appeal Brief; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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